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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,443	05/19/2006	Harald Eckert	ZAHFRI P858US	6313
20210 7590 06/03/2008 DAVIS BUJOLD & Daniels, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301				
EXAMINER				
PANG, ROGER L				
ART UNIT		PAPER NUMBER		
3681				
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06/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,443

Applicant(s)

ECKERT ET AL.

Examiner

Roger L. Pang

Art Unit

3681

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 6-8 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following action is in response to the amendment filed for application 10/576,443 on March 24, 2008.

Election/Restrictions

Newly submitted claims 11 and 17 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: these are specific controls for the apparatus, while the original presented claims were apparatus claims only.

Also, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11 and 17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

The drawings were received on March 24, 2008. These drawings are approved.

Claim Objections

Claim 6 is objected to because of the following informalities: on line 1, "Amachine" should be replaced with --A machine--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Galicher '827 (from IDS). With regard to claim 6, Galicher teaches a machine tool planetary transmission, the planetary transmission comprising: a drive shaft 1 connected to a sun gear 7; an output shaft 2 connected to a planetary carrier 12; an internal gear 9 which, in a first operating position, being coupled to a housing and, in a second operating position, being coupled to the sun gear; a hub 4 concentrically surrounding the drive shaft; a sliding collar 17 concentrically surrounding the hub and being axially movable over and with respect to the internal gear; in the first operating position, the sliding collar couples the internal gear to the housing and in a second operating position, the sliding collar couples the internal gear to the hub, and wherein an end of the sliding collar, remote from the internal gear has an integral centering bore 18 which is concentric with the hub, and the hub includes a centering collar 5 which is concentric with an axis of the hub and located along the axis of the hub so that the centering bore of the sliding collar concentrically surrounds and engages with the centering collar when a locking arrangement of the sliding collar engages with a mating locking arrangement of the hub in the second operating position. With regard to claim 14, Galicher teaches a planetary gear incorporated into a machine tool (transmission), the planetary gear comprising: an input

shaft 1 being connected to a sun gear 7; an output shaft 2 being connected to a planet carrier; and an internal gear 9 being connectable, in a first shifting position, with a housing of the machine tool, and, in a second shifting position, with the sun gear; a hub 4 concentrically surrounding the input shaft; a sliding sleeve 17 concentrically surrounding the hub and being movable along and over the hub to the second shifting position to positively engage with the hub with the sliding sleeve; wherein the sliding sleeve is provided with a centering section 18, on an end thereof remote from the internal gear, featuring a centering diameter which is concentrically arranged with the hub, and this centering section is formed unitary with the sliding sleeve; and the hub has a centering collar 5 arranged concentrically with an axis of the hub, and during positive engagement of the sliding sleeve with the hub, the centering section surrounds and abuts against the centering collar.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galicher as applied to claim 1 and 14 above, respectively, and further in view of Carnagua '944 (from IDS). With regard to claims 7 and 15, Galicher teaches the transmission, wherein the centering bore first comes into contact with the centering collar by approaching the centering collar, axially in a displacement direction of the centering bore, but lacks the teaching of a beveled running edge of the centering bore. Carnagua teaches a centering bore 28 coming into

contact with a centering collar 29 with a beveled running edge of the centering bore (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Galicher to employ a beveled running edge of the centering bore in further view of Carnagua in order to facilitate smoother engagement. With regard to claims 8 and 16, Galicher teaches the transmission, wherein the centering collar first comes into contact with the centering bore by approaching the centering bore, axially in a displacement direction of the centering bore, but lacks the teaching of a beveled running edge of the centering collar. Carnagua teaches a centering collar 29 coming into contact with a centering bore 28 with a beveled running edge of the centering collar (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Galicher to employ a beveled running edge of the centering collar in further view of Carnagua in order to facilitate smoother engagement.

Allowable Subject Matter

Claims 12-13 and 18-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 is allowed.

Response to Arguments

With regard to claims 6 and 14, applicant's main argument is that the present transmission is used for a machine tool and does not require the synchronizing that Galicher teaches.

Although Galicher teaches more limitations than are claimed in the present invention, this does not change the fact that the claimed limitations of the present invention are taught by Galicher. Planetary transmissions can be used in a variety of environments. Intended use does not remove a prior art from consideration.

Limitations that show a difference in structures, which may be present because of the intended use, will differentiate between the transmissions. In the present application, these limitations have been deemed allowable.

Applicant's arguments have been considered, but are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Art Unit: 3681

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roger L Pang/
Primary Examiner, Art Unit 3681

Roger L Pang
Primary Examiner
Art Unit 3681

May 31, 2008

Application Number**Application/Control No.**

10/576,443

**Applicant(s)/Patent under
Reexamination**

ECKERT ET AL.

Examiner

Roger L. Pang

Art Unit

3681